

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

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Jermelle Rodrique Hollins,)

Petitioner,)

vs,)

John Owens, Warden)

Respondent.)

Civil Action No. 9:11-569-RMG

ORDER

This petition for a writ of habeas corpus was brought by Petitioner pro se pursuant to 28 U.S.C. § 2241. Petitioner asserts that the Bureau of Prisons has erred in failing to give him credit for time served in state prison on an unrelated drug offense. Respondent moved to dismiss the petition. (Dkt. No. 9). The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(c). The Magistrate Judge recommended on October 31, 2011 that the petition be dismissed with prejudice because controlling statutory and case law established that Petitioner was not entitled to federal sentencing credit for his service of an unrelated state sentence. (Dkt. No. 13). The Magistrate Judge found that Petitioner was in the state's continuous primary custody until his release by the state on September 24, 2009. *Id.* at 6.

Petitioner was advised that he had fourteen days from the issuance of the Magistrate Judge's Report and Recommendation to file any written objections and a failure to file any written objection would result in the waiver of the right to appeal from a judgment of the District Court. *Id.* at 11. Petitioner has failed to file any written objection to the Report and

Recommendation of the Magistrate Judge.

The Court, having reviewed the Report and Recommendation of the Magistrate Judge, the record before the Court and the applicable legal authorities, hereby adopts the Report and Recommendation of the Magistrate Judge. Therefore, the Court grants the Respondent's motion to dismiss (Dkt. No. 9) and dismisses this action with prejudice.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
December 12, 2011